

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Mar 20, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

RUSSELL Z.,<sup>1</sup>

Plaintiff,

v.

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

No. 1:22-cv-3097-EFS

**ORDER GRANTING THE PARTIES'  
STIPULATED MOTION FOR  
REMAND PURSUANT TO  
SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)**

On March 17, 2023, the parties filed a Stipulated Motion for Remand. The parties agree that the matter should be reversed and remanded to the Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings. The parties also agree that, upon proper request to the Court, Plaintiff is entitled to reasonable attorney fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d).

Consistent with the parties' agreement, **IT IS HEREBY ORDERED:**

1. The parties' Stipulated Motion to Remand, **ECF No. 16**, is

**GRANTED.**

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<sup>1</sup> For privacy reasons, the Court refers to every social security plaintiff by first name and last initial or by "Plaintiff." See LCivR 5.2(c).

2. Judgment shall be entered for **Plaintiff**.

3. This matter is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council is to instruct the ALJ to:

- reevaluate whether drug addiction and alcoholism are material to the determination of disability pursuant to Social Security Ruling 13-2p; and
- offer the claimant the opportunity for a new hearing, take further action to complete the administrative record resolving all issues, and issue a new decision.

4. All pending motions are **DENIED AS MOOT**.

5. All hearings and other deadlines are **STRICKEN**.

6. If filed, the Court will consider Plaintiff's motion for attorney fees under the Equal Access to Justice Act.

7. The Clerk's Office is directed to **CLOSE** this file.

IT IS SO ORDERED. The Clerk's Office is directed to enter this order and provide copies to all counsel.

**DATED** this 20<sup>th</sup> day of March 2023.



EDWARD F. SHEA  
Senior United States District Judge